

REMARKS

The Communication dated November 17, 2004, has been received and reviewed. Claims 1-4, 6-22, 24-25, 27-32, 37-41, 46-51 and 67-76 are pending in this application. Applicants respectfully request reconsideration of the application in view of the amendments above and remarks below.

I. Claim Amendments

Claims 1-4, 6-22, 24-25, 27-32, 37-41, 46-51 and 67-76 are currently pending in the present application. Applicants have noted all pending claims above in the listing of the claims and have changed the identifier for Claim 24 from "Original" to "Previously Presented". Applicants note that the identifier for Claim 24 should have previously read "Currently Amended" rather than "Original" in the August 20, 2004 amendment. Applicants assume that the claim amendments presented on August 20, 2004, have been entered and have made this change for purposes of clarity. If this change is not acceptable and all underlining and cross-outs need to be placed back into the present response along with the original response, the Examiner is invited to contact the undersigned who will send in a corrected copy. Applicants have also amended Claims 1, 11, 18, 39 and 48 in the present response.

II. Specification Support

As noted in the response filed August 20, 2004, Applicants amended Claims 1, 11, 18, 39 and 48 to recite either SEQ ID NO: 1; and/or an active fragment of a MARCKS protein comprising from 10 to 50 contiguous amino acids from SEQ ID NO: 3; or an amino acid sequence that is 95% identical to SEQ ID NO: 1 or the active fragment of a MARCKS protein comprising from 10 to 50 contiguous amino acids from SEQ ID NO: 3. Applicants submit that the phrase "95% identical" does not constitute new matter and that one of skill in the art would readily understand and utilize this language based upon the specification and the references cited in their entirety through the present application. However, in an effort to expedite prosecution of this application, Applicants have amended independent Claims 1, 11, 18, 39 and 48 to recite the specific substitutions, deletions and replacements that may

occur within the amino acids selected. Support for these amendments can be found in the canceled claims and throughout the specification. More specifically, Applicants note that the present specification reads:

In general, those skilled in the art will appreciate that minor deletions or substitutions may be made to the amino acid sequences of peptides of the present invention without unduly adversely affecting the activity thereof. Thus, peptides containing such deletions or substitutions are a further aspect of the present invention. In peptides containing substitutions or replacements of amino acids, one or more amino acids of a peptide sequence may be replaced by one or more other amino acids wherein such replacement does not affect the function of that sequence. Such changes can be guided by known similarities between amino acids in physical features such as charge density, hydrophobicity/hydrophilicity, size and configuration, so that amino acids are substituted with other amino acids having essentially the same functional properties. For example: Ala may be replaced with Val or Ser; Val may be replaced with Ala, Leu, Met, or Tie, preferably Ala or Leu; Leu may be replaced with Ala, Val or Ile, preferably Val or Ile; Gly may be replaced with Pro or Cys, preferably Pro; Pro may be replaced with Gly, Cys, Ser, or Met, preferably Gly, Cys, or Ser; Cys may be replaced with Gly, Pro, Ser, or Met, preferably Pro or Met; Met may be replaced with Pro or Cys, preferably Cys; His may be replaced with Phe or Gln, preferably Phe; Phe may be replaced with His, Tyr, or Trp, preferably His or Tyr; Tyr may be replaced with His, Phe or Trp, preferably Phe or Trp; Trp may be replaced with Phe or Tyr, preferably Tyr; Asn may be replaced with Gln or Ser, preferably Gln; Gln may be replaced with His, Lys, Glu, Asn, or Ser, preferably Asn or Ser; Ser may be replaced with Gln, Thr, Pro, Cys or Ala; Thr may be replaced with Gln or Ser, preferably Ser; Lys may be replaced with Gln or Arg; Arg may be replaced with Lys, Asp or Glu, preferably Lys or Asp; Asp may be replaced with Lys, Arg, or Glu, preferably Arg or Glu; and Glu may be replaced with Arg or Asp, preferably Asp. Once made, changes can be routinely screened to determine their effects on function with enzymes.

Page 24, line 14 to Page 25, line 5. Therefore, Applicants submit that the claims as amended recite no new subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections to the claims.



CONCLUSION

In view of the remarks presented herein, Applicants respectfully submit that the claims define patentable subject matter. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully Submitted,

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Katie A. Chung